

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: : **Chapter 13 Proceedings**
David Mark Spencer : **Case No.: 20-60203**
Ylva Sofi Rogler : **Judge Russ Kendig**
Debtors

MOTION FOR DISMISSAL

Now comes Standing Chapter 13 Trustee, Dynele L. Schinker-Kuharich, and requests that the case be dismissed because of the following:

Debtor(s) filed a petition for relief under Chapter 13 on January 31, 2020.

- a. The Plan is not confirmable.
- b. Debtor(s) exceeds the maximum unsecured debt limit as set forth in 11 USC Section 109(e), and therefore is ineligible for bankruptcy relief under Chapter 13 of the bankruptcy code.

Because of the above, Debtor(s) is/are causing an unreasonable delay in the administration of the case that is prejudicial to the Creditors, and therefore, Trustee respectfully requests that the above named case be dismissed pursuant to Bankruptcy Code 1307(c)(1).

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich (0069389)
Chapter 13 Trustee
A. Michelle Jackson Limas (0074750)
Staff Counsel to the Chapter 13 Trustee
200 Market Avenue North, Ste. 30
Canton, OH 44702
Telephone: 330.455.2222
Facsimile: 330.754.6133
Email: DLSK@Chapter13Canton.com

NOTICE OF MOTION FOR DISMISSAL

Dynele L. Schinker-Kuharich, the Standing Chapter 13 Trustee, has filed papers with the Court to have this bankruptcy case Dismissed.

Your rights may be affected. You should read these papers carefully to discuss them with your attorney, if you have one, in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to dismiss this bankruptcy case, or if you want the Court to consider your views on the Motion for Dismissal, then on or before August 13, 2020, you or your attorney must file with the Court an Objection to the Motion for Dismissal at:

Clerk of Court
United States Bankruptcy Court
Ralph Regula Federal Building
401 McKinley Ave S.W.
Canton, OH 44702

If you mail your Objection to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also send a copy to: Dynele L. Schinker-Kuharich
Chapter 13 Trustee
200 Market Avenue North, Suite 30
Canton, Ohio 44702

You must also attend a hearing on the Motion for Dismissal on August 26, 2020 at 1:30 PM at:

United States Bankruptcy Court
Ralph Regula Federal Building
401 McKinley Ave, S.W.
Canton, OH 44702

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Date: July 23, 2020

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich (0069389)
Chapter 13 Trustee
A. Michelle Jackson Limas (0074750)
Staff Counsel to the Chapter 13 Trustee
200 Market Avenue North, Ste. 30
Canton, OH 44702
Telephone: 330.455.2222
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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2020, a true and correct copy of the notice was served via the Court's Electronic Case Filing System upon these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Office of the United States Trustee at [RegisteredEmailAddress]@usdoj.gov
- Office of the Chapter 13 Trustee at dlsk@Chapter13Canton.com
- Christine K. Corzin, Counsel for David Mark Spencer and Ylva Sofi Rogler, at ccorzin@csu-law.com

and via regular U.S. Mail, postage prepaid, upon:

David Mark Spencer, Debtor
5391 Cinderford Street, NW
Canton, OH 44718-2315

Ylva Sofi Rogler, Debtor
5391 Cinderford Street, NW
Canton, OH 44718-2315

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich
Chapter 13 Trustee